

DT16 Rec'd PCT/PTO 09 APR 2003

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Legal Affairs Division of the PCT Legal Office

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT Application of  
Lindqvist, et. al.

Group Art Unit: Unknown

U.S. National Phase of PCT/SE00/01049

U.S. Serial No. 10/009,302

Examiner: Unknown

Filed: December 7, 2001

Att. Docket No.: 627-1446

For: METHOD AND DEVICE FOR BATTERIES

\* \* \* \*

April 9, 2003

**RENEWED PETITION UNDER 37 C.F.R. § 1.47(b) TO FILE THE PRESENT  
APPLICATION ON BEHALF OF AND AS AGENT OF THE NAMED INVENTORS**

Asst. Commissioner for Patents  
BOX PCT  
Washington, D.C. 20231

Sir:

Macbat Aktiebolag (Aktiebolag = AB), having a principle place of business at Box 189, S-671 24 Arvika, Sweden, (hereinafter "Macbat"), hereby files a Renewed Petition under 37 C.F.R. § 1.47(b) to file the above-identified application for regular patent application on behalf of and as agent of the named inventors. The named inventors have refused to sign the Oath. This Renewed Petition is filed in response to the Decision on Petition mailed December 19, 2003.

The due date for responding expired on February 19, 2003. A petition for a two-month extension of time is hereby requested to extend that due date to April 19, 2003. The required fee of \$205 (small entity) is attached herewith. If that fee is missing or deficient, please charge our deposit account no. 50-0687, under order Order No. 62627.

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The Decision on Petition acknowledges that items (1), (3), (4) and (6) of Rule 1.47(b) have been satisfied in Applicant Petition filed on August 13, 2002. Applicant respectfully submits that items (2) and (5) were also satisfied by the August 13, 2002 Petition. However, Applicant files further evidence to demonstrate that items (2) and (5) have now been satisfied.

Item (2) Proof of Unavailability or Refusal

The PTO argues that item (2) was not satisfied:

The declaration of Ake Holger Johansson fails to state what application papers were sent to the missing inventors. Was a complete application (specification, claims, and drawings) mailed to Frank Lindqvist and Henrik Lindqvist? Additionally, petitioner has provided a copy of a letter to Frank Lindqvist and Henrik Lindqvist, however, these letters have not been translated into English. Furthermore, it does not appear that the Ake Holger Johansson has first hand knowledge of all the facts.

In order to meet the requirements of 37 CFR 1.47(a) and Section 409.03(d) of the MPEP, a statement of facts is needed from a person having first hand knowledge of the facts that a complete copy of the application papers was sent to Frank Lindqvist and Henrik Lindqvist and when such papers were sent and that Frank Lindqvist and Henrik Lindqvist have subsequently refused to execute the application. In addition, copies of documentary evidence such as certified mail return receipt, cover letter of instruction, telegrams, etc., should be supplied with the declaration.

In response to the PTO's statements in the Decision, On January 22, 2003 Ake Holger Johansson once again forwarded complete copies of the application (including the specification, claims and drawings), the oath, power of attorney and assignment documents via registered mail to Frank Lindqvist and Henrik Lindqvist. [See enclosure 9] Ake Holger Johansson swears to the fact that these documents were in fact sent to the inventors. [See page 3, second paragraph, of Supplemental Affidavit Showing Diligent Effort to Obtain Signatures of Inventors filed herewith.]

In response to this request, Frank Lindqvist and Henrik Lindqvist sent letters to Ake Holger Johansson dated February 12, 2003, in which they stated they would not sign the oath, power of attorney and assignment documents. [See enclosure 10] Thus, it has now been shown that the inventors received the oath, power of attorney and assignment document and unequivocally refused to sign them.

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On February 21, 2003, Ake Holger Johansson again forwarded complete copies of the application (including the specification, claims and drawings), the oath, power of attorney and assignment document via registered mail to Frank Lindqvist and to Henrik Lindqvist for signature. [See enclosure 11]. Ake Holger Johansson swears that these documents were in fact sent and that he has not received any response from the inventors. [See page 3, second paragraph, of Supplemental Affidavit Showing Diligent Effort to Obtain Signatures of Inventors filed herewith.]

Macbat respectfully submits that the requirements of item (2) have been satisfied.

Item (5) Proof of Proprietary Interest in Application

The PTO argues that item (5) was not satisfied:

Regarding item (5), petitioner has not demonstrated that Macbat Aktiebolag has a proprietary interest in the invention. The declaration of Lars Ake Holger Johansson states that, "I am president of Macbat AB ... which changed its name from Holgia AB to Macbat AB on October 25, 2001." However, a review of the petition papers reveals that Mr. Johansson's statements and Certificate of Registration does not establish documentary evidence of a "chain of title" from the original inventor to the assignee, Macbat Aktiebolag. It is unclear whether the assignments executed by Frank Lindqvist and Henrik Lindqvist to Holgia AB have been properly transferred from Holgia AB to Macbat AB and by what legal means. Therefore, further evidence is required to establish that the assignment in fact constitutes an assignment of the instant application to Macbat Aktiebolag. (See 37 CFR 3.73(b)(1)(i)).

As pointed out by the PTO on page 3 of the Decision, Ake Holger Johansson is an officer of both Holgia AB and Macbat AB. [See page 1 of Supplemental Affidavit Showing Diligent Effort to Obtain Signatures of Inventors filed herewith and page 1 of Affidavit Showing Diligent Effort to Obtain Signatures of Inventors filed August 13, 2003.]

As an officer of Holgia AB, Ake Holger Johansson assigns the rights to PCT/SE00/01049 and the corresponding U.S. National Phase PCT Application Serial No. 10/009,302 to Macbat AB. See the Assignment document executed on

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U.S. Serial No. 10/009,302

Page 4

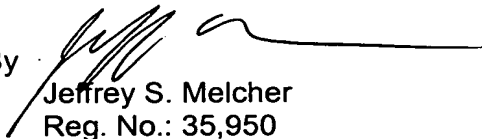
February 1, 2003 and submitted to the PTO herewith for recordation. A copy of that Assignment and cover sheet is attached herewith.

Macbat respectfully submits that item (5) has hereby been fully complied with.

Macbat has complied with the requirements of Rules 47(b) and 63, as well as MPEP § 409.03(b). Accordingly, Macbat respectfully requests that this Petition be granted and that it be granted permission to file the above-identified application for regular patent application on behalf of and as agent of the named inventors.

Respectfully submitted,  
Manelli Denison & Selter, PLLC

By



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